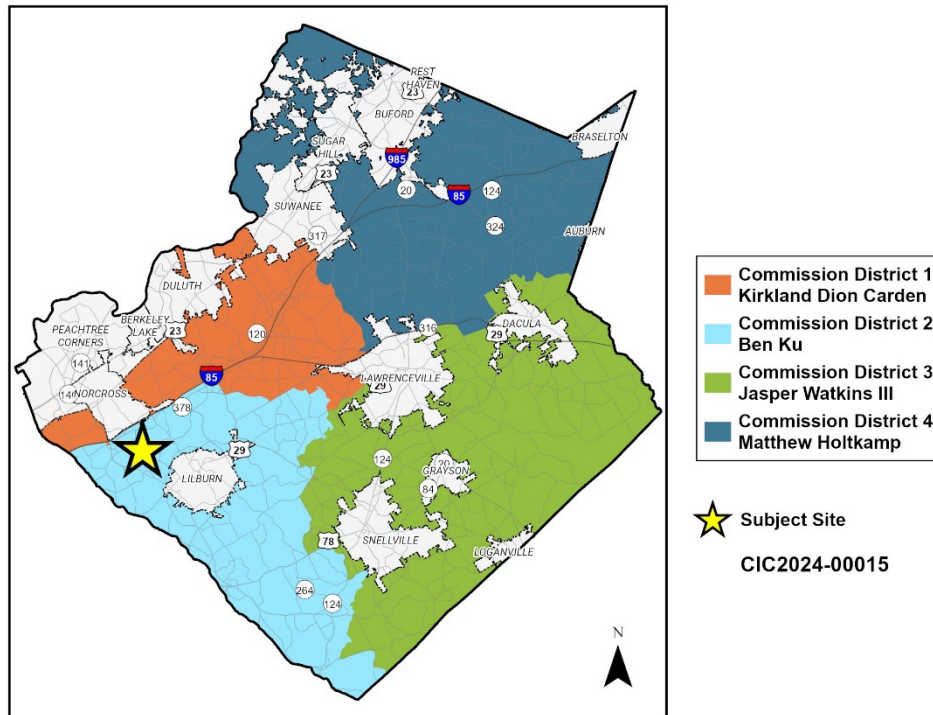


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2024-00015
Current Zoning: C-1 (Neighborhood Business District)
Request: Change in Conditions
Overlay District: Gateway 85
Additional Request: Variance
Addresses: 5620, 5634, and 5644 Singleton Road
Map Numbers: R6188 017, 360, and 361
Site Area: 3.60 acres
Square Feet: 33,088
Proposed Development: Multi-tenant Retail Center
Commission District: District 2 – Ku
Future Development Types: Neighborhood Low Mix and Neighborhood Traditional+

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 6/4/2024
Board of Commissioners Advertised Public Hearing Date: 6/25/2024 (Public Hearing Tabled to 7/23/2024)

Applicant: GMI1, Inc.
c/o Andersen, Tate & Carr, PC
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Owner: GMI1, Inc.
1867 Independence Square, Suite D
Dunwoody, GA 30338

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

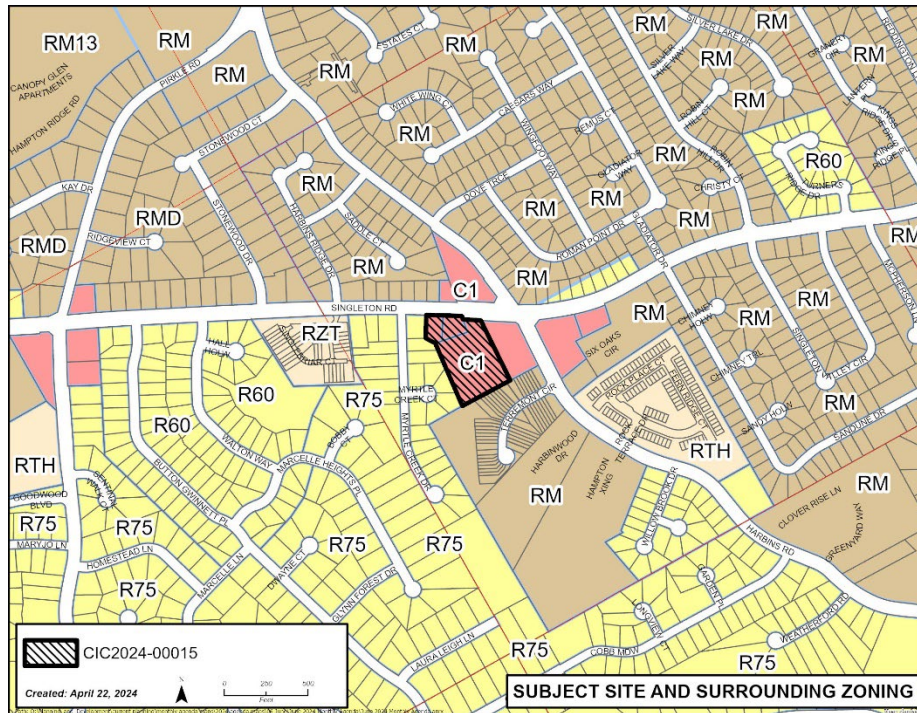
The subject property is zoned C-1 (Neighborhood Business District). The property was most recently rezoned from O-I (Office-Institutional District) and R-75 (Single-Family Residence District) to C-1, pursuant to RZC2022-00018. A 1995 rezoning case, RZ-95-077, rezoned Parcel 6188 017 from R-75 to O-I for a commercial development that was never constructed. No other rezoning cases are on record for Parcels 6188 360 and 361.

Existing Site Condition

The subject site is a 3.60-acre assemblage of three parcels located along Singleton Road, west of its intersection with Harbins Road. Parcels R6188 360 and 361 are currently developed with single-family residences. Parcel R6188 017 is undeveloped and heavily vegetated with a stream and associated buffers along its rear property line. The undeveloped portion of the site slopes down approximately 42 feet from the road frontage to the stream along the rear property line. A sidewalk is present along the entire road frontage. A 20-foot-wide sewer easement and a 20-foot-wide drainage easement run through the front portion of the site. The adjacent Dollar General property includes a 20-foot-wide interparcel access easement along a portion of the site's eastern property line. The nearest Gwinnett County Transit stop is approximately 250 feet from the site located along the frontage of the Dollar General retail store, at the intersection of Harbins Road and Singleton Road.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences and commercial uses. To the north are commercial uses, including a convenience store with fuel pumps at the intersection of Singleton Road and Harbins Road. South of the site is the Terremont townhouse development. To the west is the Myrtle Creek single-family subdivision. A Dollar General retail store and an early childhood education center are east of the site. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Commercial	C-1
North	Commercial	C-1
East	Commercial	C-1
South	Townhouses	RM
West	Single-Family Residential	R-75

Project Summary

The applicant requests a change in conditions to revise Conditions #2 and #8, and eliminate Condition #3 of RZC2022-00018 to allow a new site plan, strike architectural standards referring to the previous Unified Development Ordinance, and to allow a required fence to be placed outside of the existing drainage and sewer easements, including:

- A 33,088 square foot multi-tenant commercial building for retail, restaurant, and office uses with two stories in the front half of the building facing Singleton Road and three stories in the rear half of the building.
- A total of 21 suites, seven on each floor, with each unit containing approximately 1,750 square feet on the first floor, and 1,250 square feet per unit on the second and third floors.
- Building façades comprised of smooth stucco, composite siding, stone veneer, brick veneer, and glass storefronts.
- 67 parking spaces located to the front, eastern side, and rear of the building.
- An electric vehicle charging station serving two EV parking spaces.
- A 10'x30' loading space behind the building.
- One full-access driveway with a deceleration lane from Singleton Road and one cross-access driveway to the adjacent Dollar General property to the east.
- An eight-foot-wide sidewalk and a 10-foot-wide landscape strip along Singleton Road with a five-foot-wide walkway connecting to the building entrance.

- A dumpster enclosure located to the east of the building.
- A segmental retaining wall with a maximum height of 20 feet along the eastern side and behind the building.
- An 8-foot-tall privacy fence running along the western side of the building, outside of the zoning buffer and easements, and to the rear of the property outside of the impervious setback.
- The existing drainage easement in the front of the site to be abandoned.
- A 50-foot-wide zoning buffer adjacent to R-75 zoned property to the west and a 10-foot-wide zoning buffer adjacent to RM zoned property to the south.
- No stormwater management facility is indicated on the site plan.
- Development is proposed outside of the stream and associated buffers.

Zoning and Development Standards

The applicant is requesting a change in conditions for a property zoned C-1 for a multi-tenant retail center. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Maximum FAR	0.5	0.21	YES
Maximum Lot Coverage	80%	29.7%	YES
Front Yard Setback	Minimum 0'	82.03'	YES
Side Yard Setback	Minimum 0'	54.12'	YES
Rear Yard Setback	Minimum 0'	279.52'	YES
Building Height	Maximum 35'	37'2"	NO*
Parking	Minimum 67 spaces Maximum 111 spaces	67 spaces	YES
EV Charging Stations	1	1	YES
Loading Spaces	1	1	YES
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 50' against R-75 Minimum 10' against RM	50' 10'	YES
Structure Setback	Minimum 5' from buffer	5'	YES

* The applicant has requested a variance to exceed the maximum building height by 2 feet and 2 inches.

The property is located within the Gateway 85 Overlay District. The overlay district has additional requirements over and above the base zoning requirements. Items such as streetscape, lighting, pedestrian access, access management, and building design will be reviewed and must be met during the permitting process.

Variance Request

In addition to the change in conditions request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. Section 211-70 Dimensional Standards for Base Non-Residential Zoning Districts

Maximum Building Height within C-1: 35 feet

The applicant is requesting to exceed the maximum building height of 35 feet by up to 2 feet and 2 inches.

Public Participation

The applicant held a community meeting for the development on May 16, 2024 at the Lilburn Activity Center. There were three community members in attendance along with Commissioner Ku and Planning Commissioner Crotser. There were questions regarding the inter-parcel access, building height, retaining wall, and tenant mix for the development. The applicant addressed questions but did not make any changes to the site plan as a result of the public meeting. The public participation plan and report are shown in Exhibit J.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit K). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed change in conditions does not request a change in land use from the retail, service-commercial, office uses allowed in the original resolution. Therefore, the proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The proposed change in conditions revises the site plan to show a 2- to 3-story, 33,088 square foot building where a 1-story, 17,220 square foot building was originally approved. Although the building square footage increased, the rear of the building no longer faces adjacent residential properties and there is less impervious area than originally proposed. The proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property.

C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.

The property has a reasonable economic use as currently zoned.

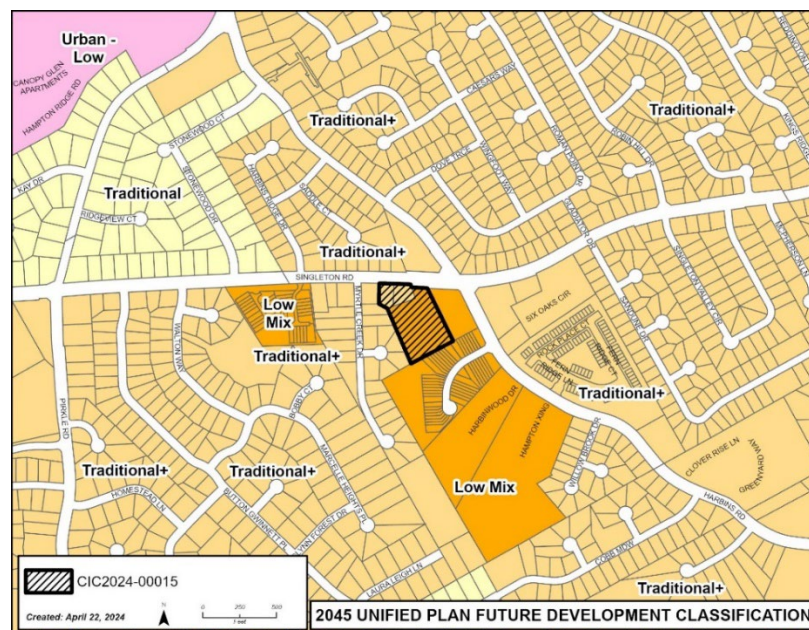
D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. The traffic impact study estimated the proposed development would generate 78 morning and 218 PM evening hour trips. The study recommended a right-turn lane into the development and internal site improvements. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this change in conditions request are attached (Exhibit K).

E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The Unified Plan's Future Development Map indicates "Neighborhood Low Mix" and "Neighborhood Traditional +" for the subject property. Both future development types encourage horizontal mixed uses that include office, retail, and missing middle housing types. The targeted FAR range is between 0.5 and 1.5 and preferred front setbacks are less than 15 feet.

The proposed change in conditions is for a multi-tenant commercial development along an arterial road. The proposed FAR of 0.21 is less than the targeted FAR, but is greater than the original 0.11 FAR of the approved site plan. In addition, the proposed building is oriented and closer to Singleton Road than the original proposal. Finally, a direct sidewalk connection to the building is provided to improve connectivity. The proposed change in conditions brings the site closer to conformity with the policy and intent of the Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed change in conditions.

There are no additional conditions to give supporting grounds for either approval or disapproval of the proposed change in conditions.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-90.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant is requesting to exceed the maximum building height of 35 feet by up to 2 feet and 2 inches. The residences in the Myrtle Creek subdivision abutting the western property line are entirely single-story. In addition, surrounding properties along Singleton Road are no more than two stories tall. The variance request would allow a development that is out of scale with the surrounding area and that would have an adverse visual impact on abutting residences.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the change in conditions request.

In addition, staff recommends **DENIAL** of the following variance:

1. To exceed the maximum building height of 35 feet by up to 2 feet and 2 inches.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the change in conditions request.

In addition, the Planning Commission recommends **APPROVAL** of the following variance request:

1. To exceed the maximum building height of 35 feet by up to 2 feet and 2 inches.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)

Approval as C-1 (Neighborhood Business District) for a retail development, subject to the following conditions:

- ~~1. To restrict the use of the property as follows:~~
 - ~~a. Retail and service commercial, office, and accessory uses. The following uses shall be prohibited:~~
 - ~~i. Adult bookstores or entertainment~~
 - ~~ii. Automotive parts stores~~
 - ~~iii. Contractor's offices~~

- ~~iv. Convenience stores with fuel pumps~~
- ~~v. Emissions inspection stations~~
- ~~vi. Equipment rental~~
- ~~vii. Smoke shops/novelty stores~~
- ~~viii. Hookah, /vapor bar or lounge~~
- ~~ix. Tattoo parlors~~
- ~~x. Pool halls~~
- ~~xi. Coin laundries~~
- ~~xii. Lounge or nightclub~~
- ~~xiii. Packaged sales of alcoholic beverages~~

1. The proposed development shall be constructed in general conformance with **Exhibit B: Site Plan** dated ~~June 7, 2022~~ **received April 12, 2024**, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved of the Department of Planning and Development.
2. **Buildings shall be constructed of brick, stone, and/or glass with accents of stucco and/or EIFS, subject to the review and approval by the Department of Planning and Development, in general conformance with elevations dated received May 13, 2024.** ~~Buildings shall comply with the requirements of Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.~~
3. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
4. Outdoor loudspeakers shall be prohibited.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. Billboards shall be prohibited.
7. Provide an eight-foot-tall privacy fence adjacent to all residentially zoned properties, outside of any required zoning buffers, **impervious setbacks, or easements.**
8. Prior to receiving a land disturbance permit, the Applicant shall pay \$15,000 to Gwinnett County Department of Transportation for traffic signal modifications (specifically, a left turn phase from westbound Singleton Road onto southbound Harbins Road) at the Singleton Road/Harbins Road intersection.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Floorplans
- E. Previously Approved Resolution for RZC2022-00018
- F. Letter of Intent and Applicant's Response to Standards
- G. Application and Disclosure of Campaign Contributions
- H. DWR Sewer Capacity Certification Letter
- I. Traffic Impact Study
- J. Public Participation Plan and Report
- K. Internal and External Agency Review Comments
- L. Maps

Exhibit A: Site Visit Photos



View of wooded portion of the site



View of Singleton Road frontage



View of grade change where interparcel access is proposed



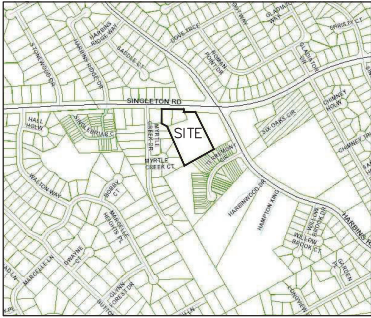
View of single-story homes in Myrtle Grove

Exhibit B: Site Plan

[attached]

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4.12.2024



VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13135C0008P DATED SEPTEMBER 29, 2006.

CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DRIVEWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / ENGINEER AND / OR UTILITY PROVIDER OF EXPOSED CONFLICTS

SITE PLAN DEVELOPED FROM IA SURVEY PROVIDED BY THE CLIENT BY IRONSTONE SURVEYING. CDD RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.

CIVIL ENGINEER

IRM CONSULTING ENGINEERS INC.
211 E. MAIN STREET
CANTON, GA 30114
ENGINEER: TERRY BOONER
PHONE: 678-461-6072

DEVELOPER/OWNER

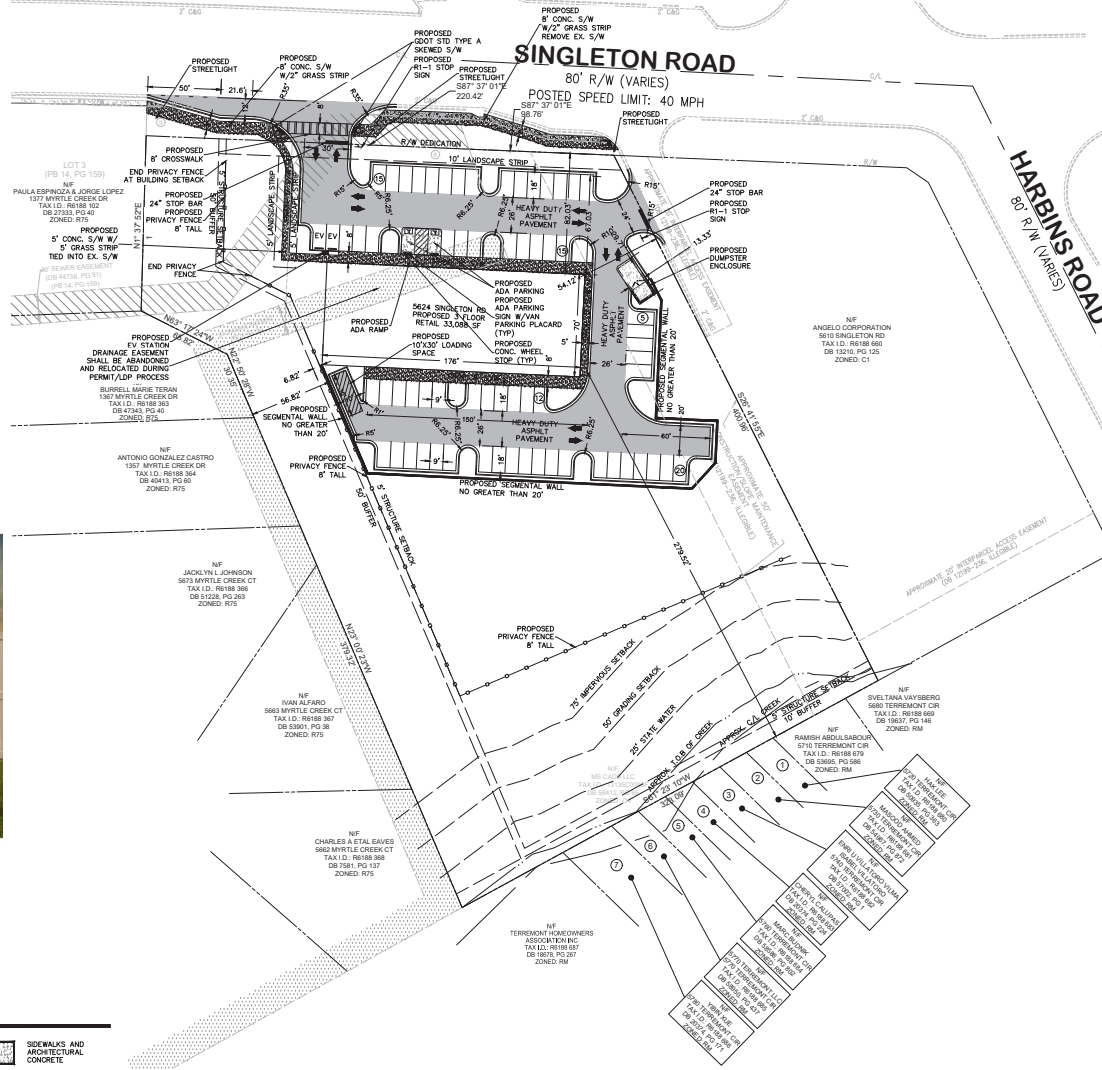
GM I, INC.
1876 INDEPENDENCE SQUARE
SUITE 5
DUNWOODY, GA 30338
CONTACT: SUNNY MEHTA
PHONE: 678-463-5350
EMAIL: SUNNY@SUNNYMEHTA.COM



8" TALL X 6" WIDE PANELS
7/8" X 6" TONGUE & GROOVE PICKETS
1.5" X 4.5" HEAVY DUTY POCKET RAILS - TOP, MID, AND
BOTTOM RAILS
5" X 5" POSTS AND 72" CENTERS
1" X 6" CH-CHANNEL
STIFFENER IN BOTTOM RAIL FOR ADDED SUPPORT
AVAILABLE IN WHITE OR TAN
STYLE #255

LEGEND - PROPOSED

	SETBACK LINE		WATER METER		SIDEWALKS AND STRUCTURAL CONCRETE
	PROPERTY LINE		ADA RAMP		HEAVY DUTY ASPHALT
	PROPOSED CURB & GUTTER		CONCRETE WHEEL STOP		HEAVY DUTY CONCRETE
	PARKING SPACE NUMBER		TRANSFORMER PAD		STANDARD DUTY ASPHALT
	DIRECTIONAL ARROWS				
	STOP BAR				
	ACCESSIBLE SPACES				
	ID SIGN				



SITE DATA

ADDRESS	PARCEL ID	AREA (SF)	ADRES ACRES
5644 SINGLETON RD	6188361		
5644 SINGLETON RD	6188362		
5620 SINGLETON RD	6188017	156,753	3.599
		4468,573	0.103
		152,402,427	3.496

FUTURE LAND USE:	RESIDENTIAL
EXISTING LAND USE:	VACANT
CURRENT ZONING CLASSIFICATION:	CI
PROPOSED ZONING CLASSIFICATION:	CI
GATEWAY 85 OVERLAY DISTRICT:	GWINNETT COUNTY
OVERLAY DISTRICT CLASSIFICATION:	'ZONE X'
CURRENT LOCAL JURISDICTION:	TOP FLOOR 12,320 SF
FLOOD ZONE CLASSIFICATION:	MIDDLE FLOOR 12,320 SF
RETAL BUILDING AREA:	BASEMENT 6448 SF
	33088 SF

TOTAL BUILDING AREA:	PROPOSED FAR: 0.21
MAX FAR: 0.5	PROPOSED: 29.70%
MAX COVERAGE (% OF LOT): 80%	45 (VARIANCE REQUIRED)
MAX BLDG HEIGHT (FT): 35	

DIRECTION	PROPERTY USE	ZONING
NORTH	RESIDENTIAL	RM
SOUTH	RESIDENTIAL	RM
WEST	RESIDENTIAL	RIS
EAST	COMMERCIAL	CI

DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT	0'	SEE PLAN
REAR	0'	SEE PLAN
SIDE	0'	SEE PLAN
SIDE	0'	SEE PLAN

DIRECTION	REQUIRED BUFFER	PROVIDED BUFFER
FRONT	0	SEE PLAN
REAR	10'	SEE PLAN
SIDE	50'	SEE PLAN
SIDE	50'	SEE PLAN

PROPOSED PARKING DATA

RETAL USE	MAX: 1 PER 300 SF
MIN: 1 PER 500 SF	MAX: 33088/300=111

MINIMUM PARKING REQUIRED: 67	
MAXIMUM PARKING ALLOWED: 111	
TOTAL PARKING PROVIDED: 67 (2 ADA SPACES)	

SITE DATA

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND COUNTY DEVELOPMENT REGULATIONS.
2. REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
3. TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY IRONSTONE SURVEYING.
4. ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
5. ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION. ALL STRIPING SHALL BE THERMOPLASTIC.
6. ALL STRIPED OR CURBED RADII SHALL BE 5' UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS DURING OR ON SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
8. SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPLY A ONE YEAR WARRANTY CERTIFICATE.
9. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
10. SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
11. ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
12. ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
13. ALL CONCRETE SHALL BE 4000 PSI 28 DAY COMPRESSIVE STRENGTH.
14. PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
15. ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
16. WATER AND SEWER PROVIDED BY GWINNETT COUNTY.

GWINNETT COUNTY PROJECT NUMBER: CIG2024-00015

1	2	3	4	5	6	7	8	9
HAU LEE TAX ID: R8188 880 DB 30385, PG 363 ZONED: RM	MARCOO AHMED TAX ID: R8188 881 DB 34967, PG 872 ZONED: RM	ENR U VILATORO VILMA ISABEL VILATORO TAX ID: R8188 882 DB 33002, PG 1 ZONED: RM	CHERRY CALUPAS TAX ID: R8188 883 DB 20374, PG 224 ZONED: RM	MARC BUDNIK TAX ID: R8188 884 DB 35586, PG 802 ZONED: RM	5770 TERRENT MONT LLC TAX ID: R8188 885 DB 26669, PG 437 ZONED: RM	YIEN XUE TAX ID: R8188 886 DB 20374, PG 171 ZONED: RM	DANIEL W WILLIAMS TAX ID: R8188 887 DB 44768, PG 91 ZONED: RIS	DANIEL W WILLIAMS TAX ID: R8188 888 DB 4484, PG 239 ZONED: RIS



130 E. MAIN ST., STE 104
CANTON, GA 30114
404-963-1070



4/12/24
ENGINEER OF RECORD
TERRY S. BOONER, P.E.

REV	DATE	DESCRIPTION
1	4/12/24	ISSUED FOR PERMIT

NO.	DATE	DESCRIPTION
1	4/12/24	ISSUED FOR PERMIT

CIVIL PLANS
"SINGLETON PLAZA"
5620, 5624, 5644 SINGLETON RD. NOKROSS GA 30093
LL 188 - DISTRICT 6 PARCEL #61 6188361, 6188362, 6188017
GMI I, INC.
1876 INDEPENDENCE SQUARE SUITE 5 DUNWOODY GA 30338
CONTACT: SUNNY MEHTA
EMAIL: SUNNY@SUNNYMEHTA.COM

0 40' 80' 120'
SCALE: 1"=40'

DATE: 4/11/24

PROJECT NUMBER: 2022-013

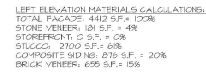
SHEET TITLE: REZONING PLAN

SHEET NUMBER

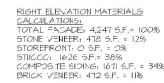
RZ1

Exhibit C: Building Elevations

[attached]



SCALE: 1/8"=1'-0"



SCALE: 1/8"=1'-0"

DARK BRONZE CANOPY

SMOOTH STUCCO E_SS-1

SMOOTH STUCCO E_SS-2

SMOOTH STUCCO E_SS-3

COMPOSITE SIDING E_SS-2

COMPOSITE SIDING E_SS-1

STONE VENEER E_ST-1

BRICK VENEER E_ST-1

5.13.2024

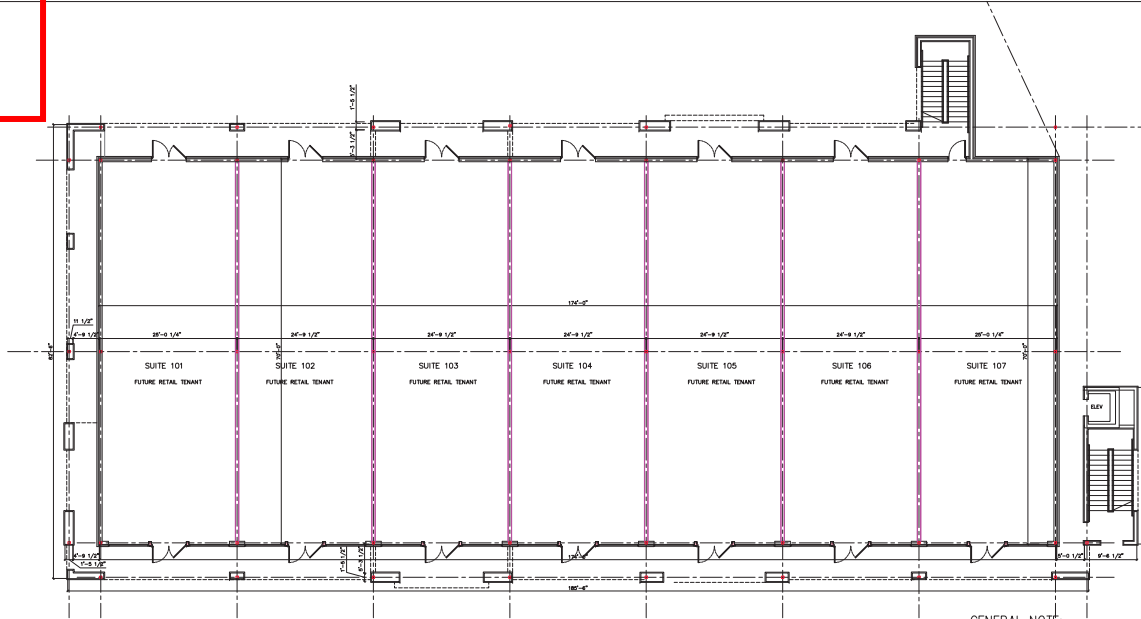


Exhibit D: Floorplans

[attached]

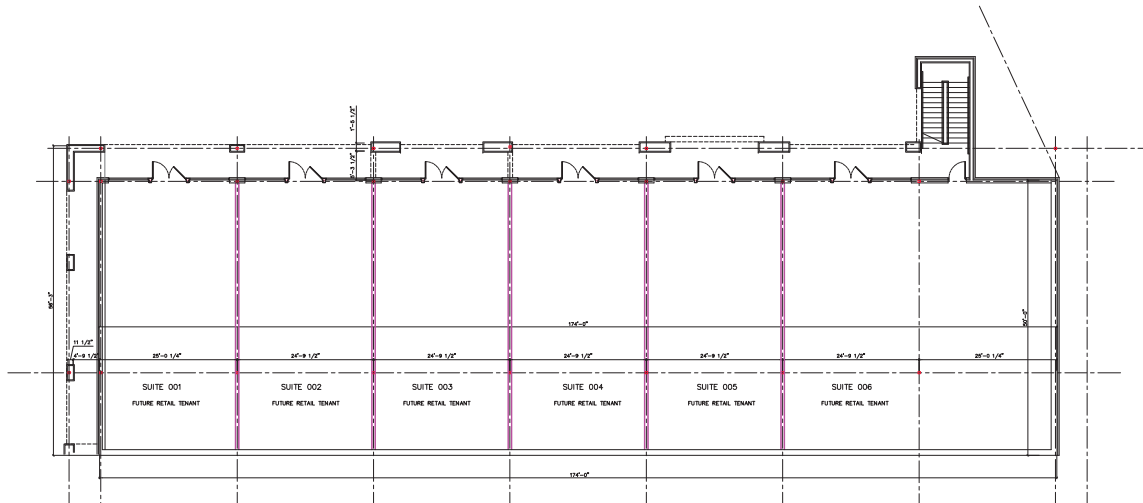
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4.11.2024



1 1ST FLOOR PLAN

SCALE: 3/32"=1'-0"



2 BASEMENT FLOOR PLAN

SCALE: 3/32"=1'-0"

DESIGN TODAY

3120 SUGAR PINE RD
ALPHARETTA, GA
30201
PH: 404-904-0886
INFO@DESIGN-TODAY.COM
WWW.DESIGN-TODAY.COM



PLAN NORTH

ISSUED
FOR
CONSTRUCTION

NEW BUILDING
DESIGN WITH
CONVENIENCE
STORE & RETAIL
TENANTS

5624, 5634 & 5644
SINGLETON RD.,
NORCROSS, GA 30093

NO.	DATE	ISSUE FOR REVIEW	BY	DATE	REVISION
1.	08.05.23	ISSUE FOR REVIEW			



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DESIGN TODAY 2024

DRAWING TITLE:
PROPOSED
BASEMENT & 1ST FLOOR
PLANS

ISSUE DATE:

DRAWN BY:
DT

CHECKED BY:

A1.00

Exhibit E: Previously Approved Resolution for RZC2022-00018

[attached]

CASE NUMBER RZC2022-00018
GCID 2022-0661

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4.11.2024

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: JULY 26, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

On motion of Commissioner Ku, which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from O-I and R-75 to C-1 by GMI1, Inc. for the proposed use of a Retail Development on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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4.11.2024

CASE NUMBER RZC2022-00018
GCID 2022-0661

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in the Gwinnett Daily Post, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on July 26, 2022, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this 26th day of July 2022, that the aforesaid application to amend the Official Zoning Map from O-I and R-75 to C-1 is hereby **APPROVED** with the following conditions:

1. To restrict the use of the property as follows:
 - a. Retail, service-commercial, office, and accessory uses. The following uses shall be prohibited:
 - i. Adult bookstores or entertainment
 - ii. Automotive parts stores
 - iii. Contractors' offices
 - iv. Convenience stores with fuel pumps
 - v. Emissions inspection stations
 - vi. Equipment rental
 - vii. Smoke shops/novelty stores
 - viii. Hookah/vapor bar or lounge
 - ix. Tattoo parlors
 - x. Pool halls
 - xi. Coin laundries
 - xii. Lounge or nightclub
 - xiii. Packaged sales of alcoholic beverages

2. The proposed development shall be constructed in general conformance with Site Plan dated ~~April 11, 2024~~ June 7, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.

3. ~~Buildings shall comply with the requirements of Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.~~

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CASE NUMBER RZC2022-00018
GCID 2022-0661

4. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
5. Outdoor loudspeakers shall be prohibited.
6. Natural vegetation shall remain on the property until the issuance of a development permit.
7. Billboards shall be prohibited.
8. Provide an eight-foot privacy fence adjacent to all residentially zoned properties, outside of any required zoning buffer, as well as existing drainage and sewer easements.
9. Prior to receiving a land disturbance permit, the Applicant shall pay \$15,000 to Gwinnett County Department of Transportation for traffic signal modifications (specifically, a left turn phase from westbound Singleton Road onto southbound Harbins Road) at the Singleton Road/Harbins Road intersection.

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CASE NUMBER RZC2022-00018
GCID 2022-0661

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:  i4, aliavu
Nicole L. L. Hendrickson, Chairwoman

Date 3/29/2022
Signed: _____

ATTEST:

By: 
County Clerk/Deputy County Clerk



Exhibit F: Letter of Intent and Applicant's Response to Standards

[attached]

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ANDERSEN | TATE | CARR

April 11, 2024

REVISED
LETTER OF INTENT
AND JUSTIFICATION FOR CHANGE IN CONDITIONS

Change in Conditions Application
Gwinnett County, Georgia

Applicant:
GMI 1, Inc.

Property:
Tax Parcel ID R6188 360, R6188 361, R6188 017
±3.599 Acres of Land
Located at 5644, 5634, and 5620 Singleton Road, Norcross, Georgia
(C-1 to C-1)

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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I. INTRODUCTION

This Application for Change in Conditions is submitted for a 3.599-acre assemblage of land located in Land Lots 188 of the 6th District of Gwinnett County, Georgia, Norcross, and identified as Parcel IDs R6188 360, R6188 361, and R6188 017 (hereinafter the “Property”). The Property is located near the corner of Singleton Road and Harbins Road.

The Property that is the subject of this rezoning application is shown on the survey prepared by IronStone Surveying, dated February 25, 2022. The Property is further identified as shown below from the Gwinnett County Geographical Information System:



The Property is currently zoned C-1 (Neighborhood Business District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, GMI 1, Inc. (the “Applicant”), now seeks approval of a Change in Conditions to revise the Site Plan in order to construct a three-story, 33,088 square-foot building to create tenant units for retail, restaurant, and office. The Change in Conditions will allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. As such, the Applicant is requesting to amend the following conditions of Zoning Resolution RZC2022-00018 (attached as Exhibit A) as follows:

2. The proposed development shall be constructed in general conformance with Site Plan dated ~~June 7, 2022~~, April 11, 2024, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
- ~~3. Buildings shall comply with the requirements of Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.~~

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8. Provide an eight-foot privacy fence adjacent to all residentially zoned properties, outside of any required zoning buffer, as well as existing drainage and sewer easements.

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of three parcels fronting Singleton Road, in Norcross, Georgia. It is a mostly rectangular tract with access to both Singleton Road and Harbins Road through inter-parcel connectivity with the adjacent commercial development to the east. The Property is surrounded by residential and commercial uses. The following is a summary of the surrounding zoning classifications:



Pursuant to the Gwinnett County Unified Development Ordinance, the C-1 zoning classification is intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community. The Applicant submits that the revised Site Plan is appropriate for this location, given the size and topography of the site. This proposal will yield a more desirable development that provides services to the existing residential properties. The Future Development Map of the Gwinnett County 2045 Unified Plan (the "2045 Plan") classifies this Property as within the Village Neighborhoods, Low Mix and Traditional+ area of the Gwinnett County Future Development Map.

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III. PROJECT SUMMARY

As shown on the overall site plan prepared by Civil Consulting Engineers, Inc., dated April 11, 2024, and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property as a commercial development to include retail, restaurant, and office uses. The Change in Conditions will allow the Applicant to develop a vacant site and allow for a quality commercial development that will service the surrounding community in accordance with the 2045 Comprehensive Plan. The revised Site Plan will consist of one, three-story building totaling 33,088 square feet. Currently, the Property is required to be developed in compliance with a previously approved Site Plan, dated June 7, 2022, that contains one, single-story building totaling 17,220 square feet.

As shown on the Site Plan, the Applicant is requesting a concurrent variance to allow for an increase in the maximum building height of 35 feet to 45 feet, as well as relief from Section 240-70.1B regarding inter parcel access to the south. In consideration of the size, layout, and location of the Subject Property, the building cannot be developed under the current requirements. Under the UDO, a variance may be granted in cases of unnecessary hardship by a finding that the application of the Ordinance to a particular piece of property (such as the Subject Property) would create unnecessary hardship, there are extraordinary and exceptional conditions, that such conditions are unique to this particular property, such conditions are not a result of the owner, and relief, if granted, would not cause substantial detriment to the public good or impair the intent of the Ordinance. The Applicant's requested variances are the minimum necessary to afford the Applicant relief so that the Subject Property may be developed with an economically viable use as permitted under the current C-1 zoning.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that the requested Change in Conditions, satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

(A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property and development of a neighborhood-serving commercial, retail, and office uses will complement both the adjacent residential and nearby commercial properties. In fact, Singleton Road is already a heavily developed commercial area.

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

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No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed change in conditions would allow for a high-quality commercial development that is compatible with existing intense commercial uses on adjacent and nearby properties. Rather the proposed development would complement existing commercial uses and provide neighborhood serving commercial uses for the surrounding community.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The Applicant submits that due to the size, location, layout, topography, and natural features of the Property, it is not able to develop the Property in compliance with the previously approved Site Plan. Accordingly, it does not have reasonable economic use. The Applicant's proposal would allow for the Property to be developed for a use that is consistent with surrounding properties.

(D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. The Change in Conditions is consistent with the existing uses, and this development will bring additional commercial, retail and office uses to the community. The proposal will not cause excessive use of existing streets, transportation facilities or utilities, and will have no impact whatsoever on the schools.

(E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed change in conditions application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Vibrant Communities Character Area of the 2040 Future Development Map. This character area promotes corner/neighborhood serving non-residential developments that can be integrated into the community.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:

The Applicant submits that the character of the surrounding development and the existing mix of the same or similar intense commercial uses in the area provide supporting reasons for approval of the change in conditions request. The Applicant submits that the Property's location, size, and dimensions provide further support for approval of the proposed change in conditions application.

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V. JUSTIFICATION FOR CHANGE IN CONDITIONS

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the Change in Conditions application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the C-1 zoning classification with the requested change in conditions by the Applicant. A denial of the requested change in conditions would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests this Application for Change in Conditions be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 11th day of April, 2024.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

Exhibit G: Application and Disclosure of Campaign Contributions

[attached]

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4.12.2024

CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF WINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>GMI1, Inc. c/o Andersen Tate & Carr</u> Address: <u>1960 Satellite Blvd, Suite 4000</u> City: <u>Duluth</u> State: <u>GA</u> ZIP: <u>30097</u> Phone: <u>770-822-0900</u> Email: <u>mgglouton@atclawfirm.com</u>	Name: <u>GMI1, Inc.</u> Address: <u>1867 Independence Square, Suite D</u> City: <u>Dunwoody</u> State: <u>GA</u> ZIP: <u>30338</u> Phone: <u>678-458-5185</u> Email: <u>sunnyomsai@yahoo.com</u>
Contact Person: <u>Melody A. Glouton</u> Phone: <u>770-822-0900</u> Contact's Email: <u>mgglouton@atclawfirm.com</u>	
<p align="center">APPLICANT IS THE:</p> <div> <input type="checkbox"/> Owner's Agent <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser </div>	
Zoning District(s): <u>C-1</u> Prior Zoning Case No.: <u>RZC2022-00018</u> Parcel Number(s): <u>R6188 017; R6188 360; R6188 361</u> Acreage: <u>3.599</u> Property Address(es): <u>5644, 5634, and 5620 Singleton Road, Norcross, GA</u> Proposed Change in Conditions: <u>amend condition 2, 3, and 8 to reflect current site plan (3 story building)</u> Variance(s): <u>Height Variance of 10 feet; inter-parcel access</u> Waiver(s): _____	
<p align="center">RESIDENTIAL DEVELOPMENT:</p> No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Density: _____ Floor Area Ratio (LRR, MRR, HRR): _____	<p align="center">NON-RESIDENTIAL DEVELOPMENT</p> No. of Buildings: <u>1</u> Total Building Sq. Ft.: <u>33,088 SF</u> Floor Area Ratio: <u>0.21 / 21.73%</u>
<p align="center">MIXED-USE DEVELOPMENT</p> No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Total Non-Residential Sq. Ft.: _____ Floor Area Ratio: _____	

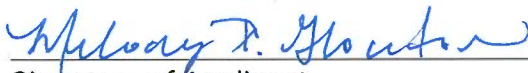
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3.28.2024

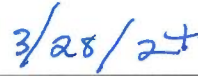
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.



Signature of Applicant



Date

Melody A. Glouton, Attorney for Applicant

Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

Melody A. Glouton
Signature of Property Owner

3/28/24
Date

Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

Dm
Signature of Notary Public

3/28/24
Date




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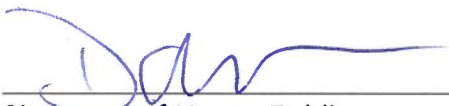
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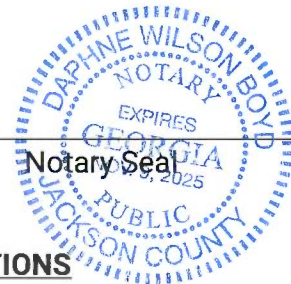
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant	Date	Type of Print Name and Title
	<u>3/28/24</u>	Attorney for Applicant
Melody A. Glouton		

Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
	<u>3/28/24</u>	
Signature of Notary Public	Date	



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☐ Yes ☒ No GMI1, Inc. (Your Name)

If the answer is yes, please complete the following section: See Attached

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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3.28.2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant Date Type of Print Name and Title

Melody A. Glouton

03.28.2024

Melody A. Glouton

Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

Daphne Wilson Boyd

03.28.2024

Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☒

Yes

☐

No

Andersen Tate & Carr

(Your Name)

If the answer is yes, please complete the following section: see attached

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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3.28.2024

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contribution Was Made (within last two years)
Nicole Love Hendrickson and/or Love4Gwinnett	\$1,500.00 \$1,000.00 \$800.00	03/03/2023 06/07/2023 10/05/2023
Kirkland Carden and/or Kirkland 4 Gwinnett, LLC Kirkland 4 Gwinnett, LLC	\$500.00 \$2,000.00 \$800.00	05/05/2022 07/17/2023 02/05/2024
Ben Ku and/or Ku For You	\$1,000.00 \$1,500.00	03/25/2022 10/06/2022
Matthew Holtkamp and/or Matthew For Gwinnett	\$2,500.00 \$800.00	9/15/2023 01/24/2024

4864-7245-2500, v. 1

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3.28.2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

* **NOTE:** A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 - 188 - 17
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

11/27/23
Date

Melody A. Glouton, Attorney for Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Katay Lyles
NAME

TSA
TITLE

11/27/2023
DATE

R 6188 - 017

RECEIVED

3.28.2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

* **NOTE:** A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 188 360
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

11/27/23
Date

Melody A. Glouton, Attorney for Applicant

Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Kathy Hyles
NAME

TS1
TITLE

11/27/23
DATE

RECEIVED

3.28.2024

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

* **NOTE:** A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 6 188 361
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton 11/27/23
Signature of Applicant Date

Melody A. Glouton, Attorney for Applicant

Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Kathy Lyles TSA
NAME TITLE
11/27/2023
DATE

Exhibit H: DWR Sewer Capacity Certification Letter

[attached]



February 12, 2024

Sunny Mehta
GMI 1, Inc
1876 Independence Sq, Suite D
Dunwoody, GA 30338

<input checked="" type="checkbox"/>	APPROVED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	CONDITIONALLY APPROVED
Sewer Capacity Request #C2024-026-02	
Expiration Date: 02/12/2025	
Tie-In Manhole FID: 231522	

RE: Sewer Availability for Proposed Development – 5624, 5634 & 5644 Singleton Rd
Parcel ID 6188 361, 6188 360, & 6188 017

Dear Sunny Mehta:

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of 24,640-SF of retail space and 8,448-SF of community assembly/banquet hall space on the above parcel(s) and determined:

Gwinnett County has adequate sewer capacity to serve the proposed development.

This confirmation is based on your anticipated annual average daily flow of **3 gpm** discharging to the sewer tie-in manhole at Facility ID **231522**.

Capacity Allocation: Sewer capacities are allocated only upon the issuance of a Development Permit, by Gwinnett County Planning & Development and after all applicable conditions established in this Sewer Capacity Certification, if any, are met.

Certification Expiration: The Sewer Capacity Certification is valid for 12 months from the date of this letter. If rezoning is approved, GCDWR will issue a revised Sewer Capacity Certification based on the approved units, as needed. The capacity request can be renewed for an additional 12 months. If a Development Permit has not been obtained by the expiration date above the developer may apply for renewal by providing evidence of active rezoning, plan review, or permitting efforts.

Once the Sewer Capacity Certification expires, the capacity is no longer allocated, and a new Sewer Capacity Certification request must be submitted for re-evaluation with no guarantee of available capacity. The evaluation will be based on the updated conditions of the sewer system.

Certification Invalidation: This certification is not valid if there are proposed changes to your development that could impact downstream sewer capacity (e.g. land use density, sewer tie-in manhole, parcel changes, and/or rezoning). In this case the development must resubmit for a new Sewer Capacity Request with updated information prior to the expiration of the previous one.



Please contact us at 678-376-7026 if you have any questions.

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Lorraine Campagne, PE
Section Manager, Development Support
678.376.7058

C: Gwinnett County DWR – Tai Yi Su, Division Director; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

Exhibit I: Traffic Impact Study

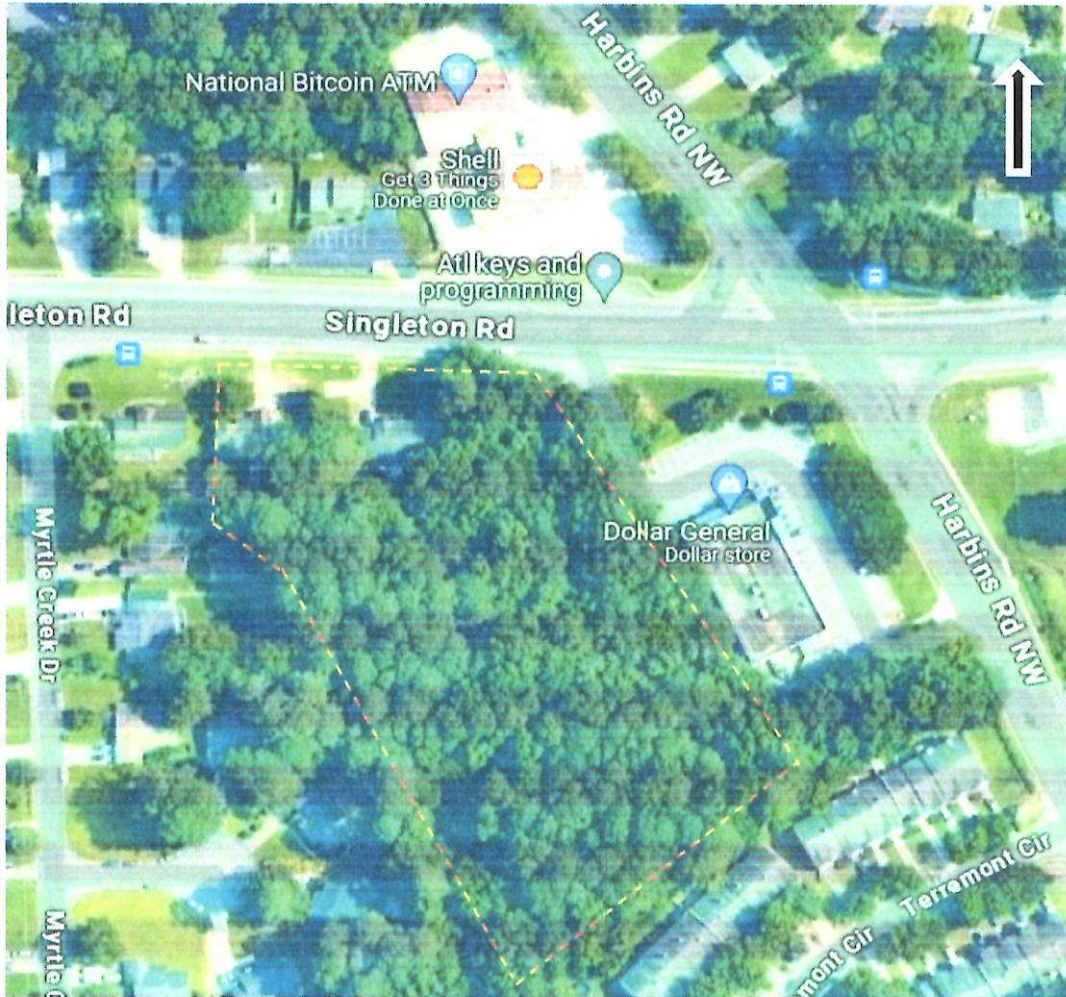
[attached]

**TRAFFIC IMPACT STUDY
FOR
RETAIL PLAZA DEVELOPMENT
5624, 5634, 5644 SINGLETON ROAD
Norcross, Georgia 30093**

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3.28.2024



Prepared for

**GM1, Incorporated
1876 Independence Square
Suite D
Dunwoody, Georgia 30338**

January 19, 2024

Prepared by



1/25/2024

Executive Summary

GMI 1, Incorporated proposes to develop a Retail Plaza on Singleton Road near the intersection with Harbins Road in the City of Norcross, Gwinnett County, Georgia. The proposed development will be situated on 3.50 acres of land and will consist of the land use for an opening year of 2025:

- A 33,088 sq. ft. retail plaza

The proposed retail development will be designed to have one fully accessible driveway in accordance with the Gwinnett County Department of Transportation (GCDOT) driveway standards, details, and guidelines. The development will also share a driveway with the existing adjacent retail development.

The study area and methodology were established and agreed upon by Michael Templeton, Gwinnett County DOT Traffic Signal Engineering Manager. The study will follow the Gwinnett County and ITE policies and guidelines for conducting traffic impact studies.

The purpose of this report is to document the impact the proposed development will have on the existing operations at the signalized intersection of Singleton Road and Harbins Road. The study area encompasses one (1) signalized intersection, an existing driveway with stop sign control and the proposed site's one (1) access point on Singleton Road. The study will be analyzed under three scenarios:

- Existing Conditions
- Opening Year 2025, No Build Conditions
- Opening Year 2025, Build Conditions

The report will show its findings and have recommendations for any improvements to the intersections in the study area. Recommendations for new and existing intersections will include improvements to achieve at a minimum Level of Service D or better.

Traffic data collected by Traffic Data Services, included 2-hour AM and PM turning movement counts during a weekday.

Historic traffic data was collected from GDOT's Traffic Analysis and Data Application (TADA) website. The data was used to calculate the traffic growth rate in the vicinity of the project site. Within a four (4) year period from 2017 to 2021, the area experienced a 3% traffic growth rate.

Traffic Solution utilized the 11th Edition of Trip Generation Manual to establish weekday and peak hour entering and exiting trips for the proposed development land use. The percentage of site traffic assigned to the proposed driveway was based upon the recommended distribution provided by CCDOT and the layout of the site. **Table 1** shows the Total Daily, AM Peak and PM Peak hour trips generated by the proposed development.

TABLE 1. TRIP GENERATION FOR PROPOSED LAND USES

Land Use (ITE Code)	Density	Daily Total	AM Peak			PM Peak		
			IN	OUT	Total	IN	OUT	Total
Strip Retail Plaza (822)	33,088 sf	1802	47	31	78	109	109	218
Total Unadjusted Volume		1802	47	31	78	109	109	218
Pass-By Trips								
Adjusted Trips Added to Adjacent Streets		1,802	47	31	78	109	109	218

Traffic Solutions (TS) conducted capacity analyses for the intersections in the study area with estimated volumes based on the trip generation and existing volumes projected to the opening year of 2024. Synchro highway capacity software was used to analyze the intersections under existing and proposed conditions. **Table 2** shows the Level of Service, Intersection Control Delay, and v/c ratio for each intersection within the study area under the existing conditions, 2024 No Build conditions, as well as 2024 Build conditions.

TABLE 2. INTERSECTION CAPACITY ANALYSIS – LEVEL OF SERVICE, DELAY AND V/C RATIO

Intersections	Traffic Control	A.M. Peak Hour			P.M. Peak Hour		
		LOS	Delay (sec.)	Max. v/c ratio	LOS	Delay (sec.)	Max. v/c ratio
Existing							
Singleton Rd at Harbins Rd	Signal	B	16.0	0.87	B	17.5	0.880
Singleton Road at Dollar General Driveway	NB Stop Sign	NBL B WBL B	14.3 --	0.008 --	NBL C WBL B	19.1 11.9	0.036 0.002
2025 No-Build							
Singleton Rd at Harbins Rd	Signal	B	16.2	0.88	B	17.8	0.890
Singleton Road at Dollar General Driveway	NB Stop Sign	NBL B WBL A	14.5 0.0	0.008 --	NBL C WBL B	19.7 12.2	0.370 0.002
2025 Build							
Singleton Rd at Harbins Rd	Signal	B	16.2	0.88	B	18.2	0.890
Singleton Road at Dollar General Driveway	NB Stop Sign	NBL B WBL --	11.6 --	0.017 --	NBL D WBL B	26.7 12.3	0.234 0.002
Singleton Road @ Driveway #1	NB Stop Sign	NBL B WBL A	12.8 8.50	0.054 0.029	NBL E WBL B	41.8 13.3	0.436 0.086

A right turn deceleration lane will be required for site generating trips that exceed the minimum required 75 right turn volumes per day, for a highway with more than 2 lanes carrying 10,000 or more vehicles per day with a posted speed limit of 40 mph. However, due to the frontage constraints, the deceleration lane will be less than the minimum required length for the storage area and taper.

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Based on the findings from the analysis conducted, the following is recommended:

- Singleton Road at Driveway 1 – Northbound approach
 - Construct the driveway with a 12-foot entry lane and shared 12-foot right-left turn lane with 35-foot radii.
 - Install a Stop sign (R1-1, 30" Oct.)
 - Install a 24-inch solid white stop bar at the driveway exit, extending 12 feet from the front of the gutter parallel to Singleton Road. Install a 5" solid double yellow 25 feet long from the solid white stop bar.
 - Install appropriate ADA ramps per GCDOT details with raised detectable warning strips.
 - Install an 8 ft wide crosswalk leading from ADA ramps per DOT detail and specifications.
 - No landscaping within the right-of-way that will impede the sight distance of motorists exiting Driveway 1 or the existing adjacent driveway to the east.
 - The right turn lane be installed at minimum length that the County will approve due to constraints caused by the site's limited frontage.
- Site east exit at Dollar General driveway
 - Install 24-inch solid white stop bar 12 feet long, 4 feet from perpendicular travel way.
 - Install a Stop sign (R1-1, 30" Oct.) adjacent to stop bar.

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Exhibit J: Public Participation Plan and Report

[attached]



Public Participation Plan

1. Who do you intend to contact in addition to property owners within 1,000 feet of the site, if any?

The Applicant will notify all property owners within 1,000 feet of the site as well as the District 2 Planning

Commissioners.

2. Where do you plan to host the Public Participation Meeting? Ensure that the meeting is held in person at a convenient location for interested parties.

The Applicant is currently researching potential locations close to the site such as a local school, public park, or

Church that will allow the Applicant to host a meeting.

3. What date and time do you plan to host the Public Participation Meeting? Ensure that the meeting is held at a convenient time for interested parties, e.g. not during typical work hours on weekdays.

Meeting will be held May 16th from 6:00PM to 7:00PM at the law offices of Andersen Tate & Carr, 1960 Satellite

Blvd. S-4000, Duluth, GA 30097. This is subject to change, the applicant has contacted two churches in close

proximity to the site as to their availability for meeting space on May 16th.

4. What is your method for providing opportunities for discussion with interested parties at the Public Participation Meeting?

The Applicant will conduct a brief presentation and overview of the proposed development and open up the

meeting to address any questions or concerns from community members. The Applicant will also follow-up with

any property owner that has additional questions following the public participation meeting.



Public Participation Report

1. **List all groups that you notified of the requested application. Include a copy of the notification package and stamped Postal Service Form 3877 (attached) with itemized name and address of each addressee.**

All property owners within the notification zone were notified of the requested application. District 2 Planning

Commissioners and District 2 Commissioner Ku were notified of the public participation meeting via a calendar invitation from the Attorney for Applicant. Commissioner Ben Ku and Planning Commissioner Crotser attended the meeting (attendee list attached).

2. **Provide the date, time, and location of all meeting(s) that the applicant and/or representative attended to discuss an application with interested parties.**

The public participation meeting was held on Thursday, May 16, 2024 from 6:00 pm to 7:00 pm at the

Lilburn Activity Center located at 788 Hillcrest Road, Lilburn, Georgia.

3. **Provide the number of people who participated in the meeting(s). Include the sign-in sheet(s) with meeting date, time, location, and attendee names.**

In addition to Commissioners Ku and Crotser, three (3) individuals attended the public participation meeting.

Attached is a copy of the sign-in sheet.

4. **What issues and concerns were expressed by attendees at the meeting(s)?**

Please see attached.

5. **What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?**

Please see attached.

Melody A. Glouton
Email: mglouton@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 770.339.0475

EXHIBIT TO PUBLIC PARTICIPATION REPORT

CASE NUMBER: CIC2024-00015
APPLICANT NAME: GMI1, Inc.
MEETING DATE: May 16, 2024 @ 6:00PM – Lilburn Activity Center
788 Hillcrest Road, Lilburn, Georgia

GWINNETT COUNTY
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RECEIVED

5.24.24

4. What issues and concerns were expressed by attendees at the meeting(s)?

- Do we have an agreement with adjacent property to the east for inter-parcel connectivity?
- Have we secured any tenants?
- How much of the site will need to be disturbed for the construction of the proposed segmental/retaining wall?
- Will the development require a height variance? (yes, 10' increase)

5. What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?

- There is an existing 20' inter-parcel access easement between the proposed development and Dollar General located to the east. The easement is also reflected in the survey filed with the application.
- The Applicant has not secured any tenants at this time. The prospective tenants include those commercial and retail uses permitted under the Code, with the exception of those retail, service-commercial, office, and accessory uses specifically prohibited under the Zoning Resolution for RZC2022-00018.
- As shown on the site plan, the proposed retaining wall will not exceed 20' and will be a segmental wall, anchor, diamond and/or keystone, subject to the review and approval of the planning department. The retaining wall will be tiered so that no single tier is taller than 20 feet and in compliance with the Code. The Applicant will work with the planning department during the land disturbance permitting stage of development. The Applicant will disturb only the necessary area for the construction of the retaining wall.
- The maximum height allowed under the Code is 35 feet. The proposed height of the building is 45 feet, and the Applicant is seeking a variance for the 10-foot increase.

The Applicant is open to continuing discussions with any community members who have questions or concerns with the proposed development. At this time, the Applicant has not made any revisions to the site plan as submitted with the change in conditions application.

4868-7654-9313, v. 1

Exhibit K: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				05.03.2024			
Department/Agency Name:				Transportation			
Reviewer Name:				Brent Hodges			
Reviewer Title:				Construction Manager 1			
Reviewer Email Address:				Brent.Hodges@gwinnettcountry.com			
Case Number:				CIC2024-00015			
Case Address:				5644, 5634, 5620 Singleton Road, Norcross, 30093			
		Comments:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	
1	Singleton Road is a minor arterial. ADT = 21,054.						
2	250' feet to the nearest transit facilities in each direction: Transit facility (#2335468) located at Singleton Road and Myrtle Creek Drive to the west; and transit facility (#2335285) located at Singleton Road and Harbins Road to the east.						
3	Per Section 360-40.5. D: The placement of the interior driveway connection from the existing Dollar General site to the east shall be located at a minimum of 100' from Singleton Road.						
4	The traffic impact study analysis included the evaluation of the future operations for the "No Build" and "Build" conditions. The results of the future traffic operations analysis indicate that all stop-controlled approaches of the unsignalized intersections will experience an acceptable level of service with slightly more delay during the PM peak hour than during the AM peak hour.						
5	The traffic impact study also indicates that the signalized intersection of Singleton Road and Harbins Road will remain at a high level of service for the projected No-Build and Build conditions with just a slight increase in delay during the PM peak hour, which is expected.						
6							
7							
		Recommended Zoning Conditions:	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	
1							
2							
3							
4							

Note: Attach additional pages, if needed

Revised 7/26/2021

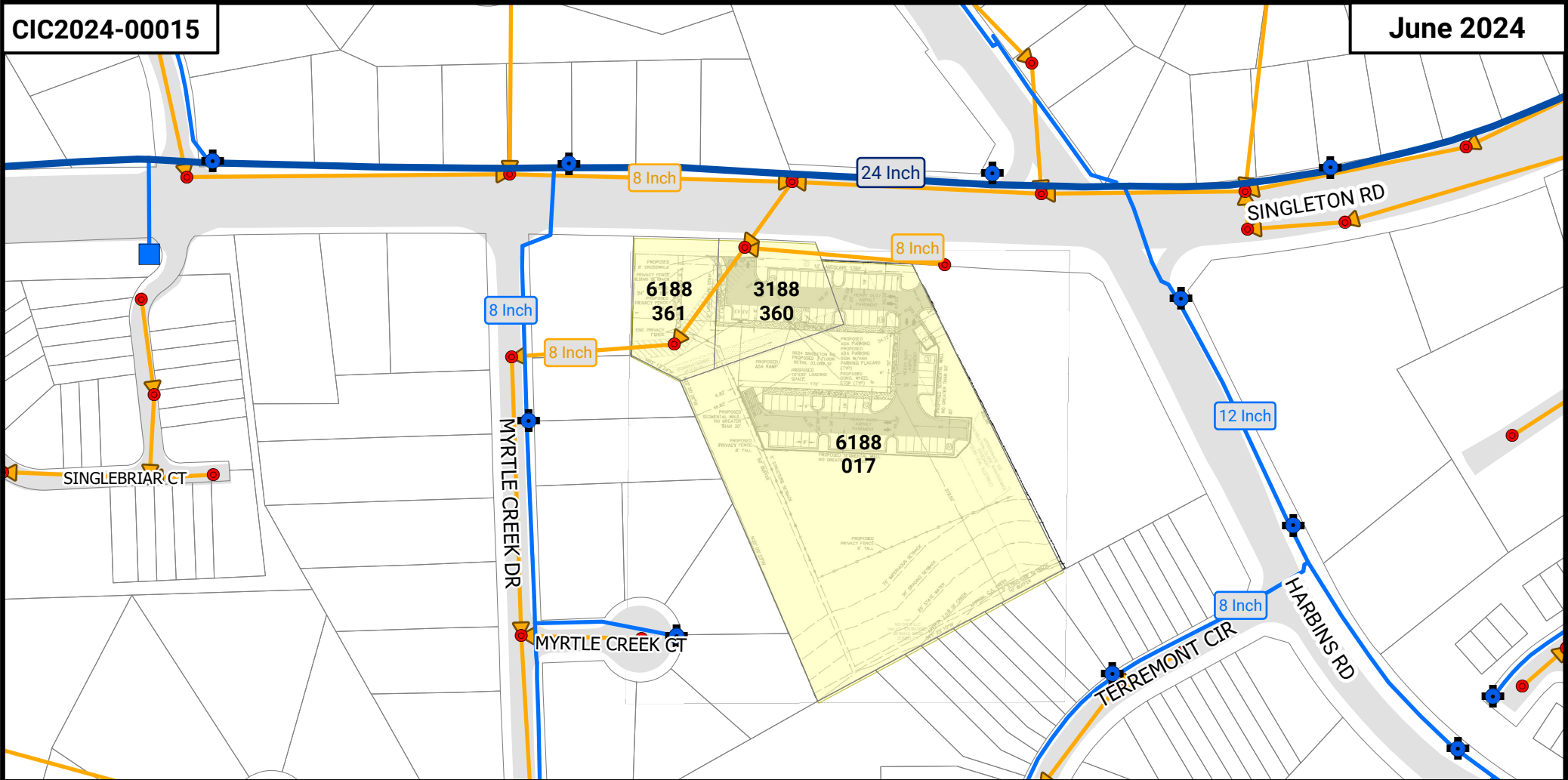


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		CIC2024-00015		
Case Address:		5644, 5634, and 5620 Singleton Road		
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Water: The proposed development may extend a 12-inch water main across Singleton Road to the existing 24-inch water main. A jack-and-bore will be required.			
2	Sewer: A Sewer Capacity Certification (C2024-026-02) has been approved for 33,088 square feet of retail and community assembly space. The proposed development plans to connect to an existing 8-inch gravity sewer on the northern portion of the subject site.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
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7				

Note: Attach additional pages, if needed

Revised 7/26/2021

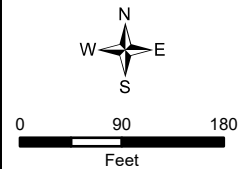


LEGEND

- Water Main
- Hydrant
- Master Vault
- Manhole
- Sewer Collector

5644, 5634, & 5620 Singleton Rd
C-1

Water & Sewer
Utility Map



LOCATION



Water Comments: The proposed development may extend a 12-inch water main across Singleton Road to the existing 24-inch water main. A jack-and-bore will be required.

Sewer Comments: A Sewer Capacity Certification (C2024-026-02) has been approved for 33,088 square feet of retail and community assembly space. The proposed development plans to connect to an existing 8-inch gravity sewer on the northern portion of the subject site.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit L: Maps

[attached]



SINGLETON RD

HARBINS RD

MYRTLE CREEK DR

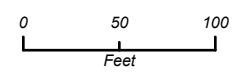
MYRTLE CREEK CT

TERREMONT CIR

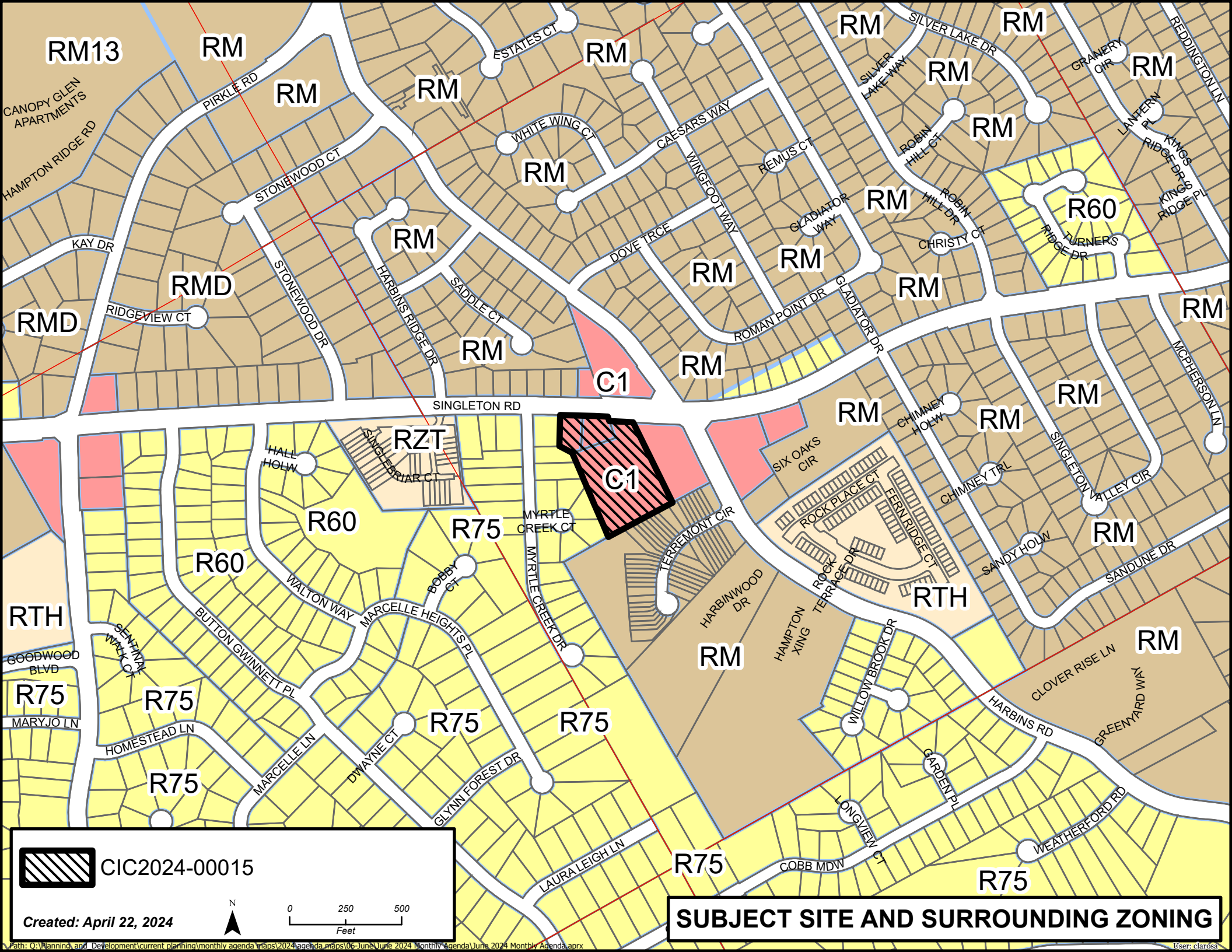



CIC2024-00015

Created: April 22, 2024




Gwinnett County GIS

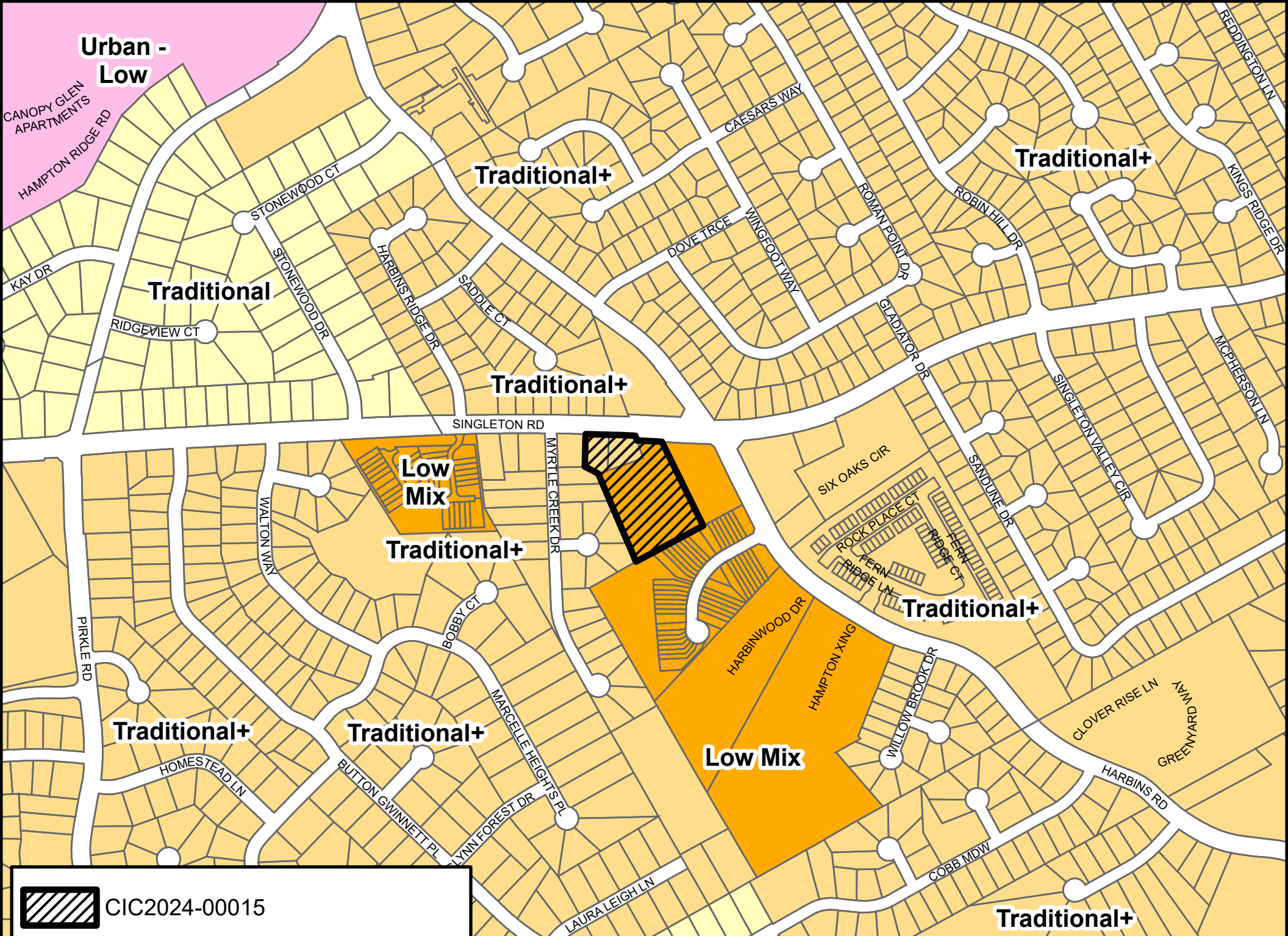


**CIC2024-00015**

Created: April 22, 2024



SUBJECT SITE AND SURROUNDING ZONING



 CIC2024-00015

Created: April 22, 2024



0 250 500
Feet

2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION